

### **REMARKS**

Applicants propose to amend claim 77 to remove a comma, which Applicants believe does not need any further comment, as it is merely a change of grammar. Applicants also propose to amend claim 69 to increase clarity without changing the essential scope of the claimed invention. Support for the amendment can be found at least at paragraph [0102] where it is described that "block model 601 ... [are] is provided as input parameters".

The proposed amendment is needed to make clear the system and apparatus described in the specification and, in particular, that the block model may be provided to the data processing system that is used to process the blocks of the block model. For example, it is contemplated that the initial block model may have been calculated at a time different than the time at which the processing of the blocks of the block model occurs and may have been calculated on a different data processing system.

The proposed amendment does not require an additional search or examination and is patentable. As noted by the Examiner in her statement of reasons for allowance of claim 69, she indicates that it is the processing the blocks, forming a cone, and defining clumps of material that define the invention over the prior art. Thus, the proposed amendment does not affect the reasons for patentability. In addition, an additional search or examination is not required because, prior to the Examiner's amendment, the claim included at least forming a block model using the same or a different data processing system.

The amendment was not presented earlier because the potential scope of the amendment was not appreciated by the Applicants until the actual wording was set forth in print in the Notice of Allowance. Moreover, it was not until the *In re Bilski* decision was rendered that the need for the Examiner's amendment was required.

In view of the above, Applicants believe that the proposed amendment is proper and respectfully request entry. If, for any reason, the Examiner needs to contact the undersigned attorney, I can be reached at (312) 321-4246.

Respectfully submitted,

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